

## EMERGENCY REGULATION

Register \_\_\_\_\_, \_\_\_\_\_ 2020

COMMERCE, COMMUNITY, AND EC. DEV.

3 AAC 304.185 is amended by adding a new section to read:

(g) Notwithstanding (a) – (f) of this section, a licensee may permit an agent or employee to take alcohol off of a licensed premises and bring it to a purchaser for curbside pickup or home delivery under the conditions described in 3 AAC 304.920 or 3 AAC on 304.925. (Eff. 11/29/81, Register 80; am 12/13/2009, Register 192; am 7/1/2018, Register 226; am 8/17/2018, Register 227; am \_\_\_\_/\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 26.23.020 AS 04.06.090 AS 04.06.100

3 AAC 304 is amended by adding a new section to read:

**3 AAC 304.920. Curbside pickup.** (a) Notwithstanding 3 AAC 304.185(a) – (f), a beverage dispensary licensee under AS 04.11.090, a restaurant or eating place licensee under AS 04.11.100, a brewery licensee under AS 04.11.130, a brewpub licensee under AS 04.11.135, a winery licensee under AS 04.11.140, a package store licensee under AS 04.11.150, or a distillery licensee under AS 04.11.170 may permit curbside pickup of alcoholic beverages sold at retail only if:

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(1) the alcoholic beverage offered for sale is factory sealed;

(2) the licensee is permitted to sell the type of alcoholic beverage under the

licensee's current license;

(3) a holder of an alcohol server education card who is an agent, excluding

through third-party contract, or employee of the licensee takes the alcoholic beverage from the

licensed premises to the location designated for curbside pickup;

(4) the holder of an alcohol server education card verifies in person that the

purchaser of the alcoholic beverage is 21 years of age or older as required under 3 AAC 304.425

and is not otherwise restricted from purchasing alcoholic beverages under AS 04.16.160, by

requiring the purchaser to produce a valid driver's license or valid identification card; and

(5) the transaction is in accordance with AS 04.16.030.

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(b) A licensee that offers alcoholic beverages for curbside pickup must consent to inspections of the areas designated for curbside pickup, excluding private vehicles, at all reasonable times and in a reasonable manner by investigative personnel of the board or by other peace officers acting in their official capacity. This section is not intended to limit the existing powers of investigative personnel.

(c) A licensee providing curbside pickup shall provide written information regarding their license and curbside service on a form designated by the Director.

(d) For purposes of this section,

(1) “curbside pickup” means a parking place designated by a licensee for pickup of food or alcoholic beverages or an area not greater than 50 feet of an entry to a licensee’s business premises.

(2) “factory sealed” means in a closed, manufacturer-sealed or packaged bottle or can, or a licensee sealed, tamper proofed, and labeled growler of beer. (Eff.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 26.23.020

AS 04.06.090

AS 04.06.100

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3 AAC 304 is amended by adding a new section to read:

**3 AAC 304.925. Home delivery.** (a) Notwithstanding 3 AAC 304.185(a) – (f) and 3 AAC 304.635(b), a beverage dispensary licensee under AS 04.11.090, a restaurant or eating place licensee under AS 04.11.100, or a brewpub licensee under AS 04.11.135 may permit home delivery of beer or wine sold at retail only if:

- (1) the order of beer or wine accompanies an order of a meal;
- (2) the beer or wine offered for sale is factory sealed;
- (3) the licensee is permitted to sell beer or wine under the licensee's current license;
- (4) the licensee does not use a third-party delivery service;
- (5) a holder of an alcohol server education card who is an agent, excluding through third-party contract, or employee of the licensee takes the beer or wine from the licensed premises to a residence for home delivery;
- (6) the purchaser is at home and available to confirm the purchase at the time of home delivery;

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(7) a holder of an alcohol server education card verifies that the purchaser of the alcoholic beverage is 21 years of age or older and is not otherwise restricted from purchasing alcoholic beverages under AS 04.16.160, by requiring the purchaser to produce a valid driver's license or valid identification card; and

(8) the transaction is in accordance with AS 04.16.030.

(b) For purposes of this section,

(1) "factory sealed" means in a closed, manufacturer-sealed or packaged bottle or can or a licensee sealed, tamper proofed, and labeled growler of beer.

(2) "meal" means food purchased at a retail price that is at least fifty percent of the retail price of the alcohol purchase accompanying the order. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 26.23.020 AS 04.06.090 AS 04.06.100